

Decision 03-01-022 January 16, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U 338-E) for Order Approving
Proposed Settlement Agreement Between
Southern California Edison Company and Coso
Finance Partners et al.

Application 00-04-042
(Filed April 26, 2000)

OPINION EXTENDING PROTECTIVE ORDER IN DECISION 00-11-041

1. Summary

We grant the unopposed motion of Southern California Edison to extend the protective order imposed by Decision (D.) 00-11-041. Accordingly, for good cause, certain confidential information filed in support of the settlement approved by D.00-11-041 shall be withheld from public inspection for another two years.

2. Background

D.00-11-041 approved a settlement agreement (Settlement) which resolved litigation arising from Interim Standard Offer 4 (ISO4) contracts between Edison and three geothermal qualifying facility (QF) projects, collectively referred to as the Coso Projects. The decision also granted Edison's motion for a protective order to ensure confidential treatment of information reflecting the terms of its Settlement with the QFs and their owners. By motion filed October 21, 2002, Edison seeks an extension of the protective order.

3. Discussion

Edison's motion states that the circumstances justifying issuance of a protective order have not changed. Thus, the Settlement terms continue to require confidential treatment because disclosure could cause Edison competitive harm in negotiating settlements of future disputes involving similar issues and public disclosure of the settlement could disadvantage Edison in litigation with other parties by allowing such parties to enter the negotiations already knowing what Edison was willing to accept in another case. Such a disadvantage to Edison would impair Edison's ability in the future to obtain the best possible settlements on behalf of its ratepayers. (See Motion at 2.)

D.00-11-041 concluded that Edison had demonstrated good cause to maintain the terms of the Settlement in confidence and we reaffirm that decision by extending the protective order for another two more years. Edison's motion asks for a two-year extension in some places and a three-year extension in others. Our standard practice is to issue protective orders for two years and to permit requests for an extension for good cause, by motion. Thus, absent any showing why we should deviate from our standard practice, we follow that practice in today's order.

4. Comments

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

5. Assignment of Proceeding

Henry Duque is the Assigned Commissioner and Jean Vieth is the Assigned ALJ in this proceeding.

Findings of Fact

1. Public disclosure of the protected documents could cause Edison competitive harm in negotiating settlements of future disputes involving similar issues and could disadvantage Edison in litigation with other parties by allowing such parties to enter the negotiations already knowing what Edison was willing to accept in another case. Such a disadvantage to Edison would impair Edison's ability in the future to obtain the best possible settlements on behalf of its ratepayers.

2. The motion is unopposed.

3. No hearing is necessary.

Conclusions of Law

1. Edison's motion for protective order should be granted.

2. In order that the confidentiality of the protected documents be maintained, this order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The motion of Southern California Edison Company (Edison) for an extension of the protective order imposed by Decision (D.) 00-11-041 is granted to the extent set forth below:

- a. Designated portions of Edison's application and Exhibit SCE-1, and Exhibit No. SCE-2 in its entirety, all of which D.00-11-041 ordered to be maintained under seal, shall remain under seal for a period of two years from the date of this decision. During that period, the foregoing documents

or portions of documents shall not be made accessible or be disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

- b. If Edison believes that further protection of this information is needed after two years, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.
2. This proceeding is closed.

This order is effective today.

Dated January 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners